

Univation Technologies, LLC 5555 San Felipe, 19th Floor, Houston, Texas 77056 United States of America

Date: Thursday, October 09, 2003Number of pages including cover sheet: 7**TO: MAIL STOP PETITION**Commissioner for PatentsP. O. Box 1450Alexandria, VA 22313-1450Telephone: 703-305-9282Facsimile 703-308-6916**FROM: KEVIN M. FAULKNER**Univation Technologies, LLC5555 San Felipe Road, Suite 1950Houston, Texas 77056Telephone (713) 892-3729Facsimile (713) 892-3687**REMARKS:**☐ Urgent☒ For your review☐ Reply ASAP☐ Please comment

Re: Application No.: **09/729,557**
Filed: 12/04/2000
Attorney Docket No. 2000U044.US

FAX RECEIVED**OCT 09 2003****PETITIONS OFFICE****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence, consisting of a copy of a petition decision (Paper No. 15) mailed July 24, 2003, a letter regarding the Petition Fee and Fee Transmittal (in duplicate) are being facsimile transmitted to the United States Patent and Trademark Office, to facsimile number (703) 308-6916 Attn: Office of Petitions, on Thursday, October 09, 2003.

10-9-03
Date

A handwritten signature in black ink, appearing to read 'Kevin M. Faulkner', written over a horizontal line.
Kevin M. Faulkner
Registration No. 45,427

The information contained in this transmission is intended for the sole use of the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that you are not authorized to review the following pages and that the dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by collect call and return this original transmission to us by mail at the above address.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1430
ALEXANDRIA, VA 22313-1430
www.uspto.gov

JUL 29 2003 Paper No. 15

UNIVATION TECHNOLOGIES
5555 SAN FELIPE
SUITE 1950
HOUSTON, TX 77056

DATE DOCKETED

7/29/03

By *fab*

COPY MAILED

JUL 24 2003

OFFICE OF PETITIONS

In re Application of
John F. Szul et al
Application No. 09/729,557
Filed: December 4, 2000
Attorney Docket No. 2000U044.US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 3, 2003, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional fee is required with any renewed petition. Petitioner is advised that this is not a final agency action decision.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 20, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 21, 2003.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing

Application No. 09/729,557

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of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (2) above.

As to item (2), applicant must pay a petition fee of \$1,300.00 in order for the petition to be granted.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In-re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the request for extension of time submitted with the petition on July 3, 2003 was subsequent to the maximum extendable period for reply, therefore, the request is denied.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Crystal Plaza Four, Suite 3C23
2201 South Clark Place
Arlington, VA 22202

By fax: (703) 308-6916
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.



Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Notice of Fee Due

NOTICE OF FEE DUE

DATE: 07-08-03TO: Dite

FROM: Office of Initial Patent Examination

SUBJECT: Fee Due

APPLICATION NUMBER: 09 729 557

A fee is due for the attached document submitted to the U. S. Patent and Trademark Office for the following reason. Please check the application for the appropriate authorization to charge a deposit account. If an authorization is present, please charge the appropriate fee. If an authorization is not present, notify the applicant of the fee deficiency.

☐ Insufficient fee by check☒ Insufficient funds in deposit account☐ Declined credit card☐ Non authorization for charge to deposit account☐ No fee submitted per requirement

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OCT 09 2003

PETITIONS OFFICE

The correct fee code: _____ amount \$ _____

The suspended fee code: 1999 amount - \$ _____

Fee Due amount = \$ _____

If you have any questions, please contact Cynthia Streater at 703-306-5430 or Eleanor Kurtz at 703-308-3642.

Terminal Operator Abelbo

#16

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/729,557
Applicant : John F. Szul
Filed : 12/04/2000
Art Unit : 1713
Examiner : Harlan, Robert D.

Docket No. : 2000U044.US
Customer No. : 25959

Date : October 9, 2003

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

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PETITION FEE

Sir:

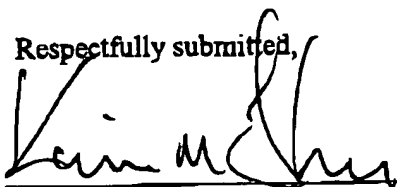
In response to the dismissal of July 24, 2003, (Paper No. 15) please find attached payment of the \$1300 petition fee. In light of payment, we request granting of the petition.

October 10/03
Date

02/25/2004 RALLEY 00000001 500589 09729557
02 FC:1453 1330.00 DA

Univation Technologies, LLC
5555 San Felipe, Suite 1950
Houston, Texas 77056-2723
Phone: 713-892-3729
Fax: 713-892-3687

Respectfully submitted,



Kevin M. Faulkner
Attorney for Applicants
Registration No. 45,427

PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

1,300.00

Complete if Known

Application Number 09/729,557

Filing Date December 4, 2000

First Named Inventor Szul, et al.

Examiner Name Harlan, Robert D.

Art Unit 1713

Attorney Docket No. 2000U044.US

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OCT 09 2003

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number
Deposit Account Name

50-0589

Univation Technologies, L.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent Claims	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)			0.00

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	1,300.00
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

1,300.00

SUBMITTED BY

Name (Print/Type) Kevin M. Faulkner

Registration No. 45,427

(Attorney/Agent)

Telephone 713-892-3729

Signature

Date October 09, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.